

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

<b>KAYLA AYERS,</b>	:	<b>Case No. 5:20-cv-01654</b>
	:	
<b>Petitioner,</b>	:	<b>Judge Sara Lioi</b>
	:	
<b>v.</b>	:	<b>Magistrate Judge Carmen E. Henderson</b>
	:	
<b>DIRECTOR, OHIO DEPARTMENT OF</b>	:	
<b>REHABILITATION &amp; CORRECTIONS,</b>	:	
	:	
<b>Respondent.</b>	:	

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**PETITIONER’S NOTICE OF INTENT TO PROCEED AND MOTION TO RESTORE  
CASE TO ACTIVE DOCKET**

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Petitioner Kayla Ayers hereby notifies the Court of her intent to proceed with her Petition for Writ of Habeas Corpus and respectfully requests that this case be restored to the Court’s active docket. This motion is supported by the accompanying memorandum.

**MEMORANDUM**

On July 27, 2020, Petitioner filed the present Petition for Writ of Habeas Corpus, which included claims that were pending before the Ohio state courts. That same day, Petitioner filed a Motion to Hold the Petition for Writ of Habeas Corpus in Abeyance Pending Exhaustion in State Court. (Doc. 2). The Court granted the Motion on December 3, 2020.

For the past two years, Petitioner’s claims have proceeded through Ohio courts. On September 27, 2022, the Ohio Supreme Court declined to accept jurisdiction over Petitioner’s appeal from the denial of her postconviction motions in state court. *09/27/22 Announcements*, 2022-Ohio-3322. This entry was sent to lower courts on October 14, 2022, representing the end

of state court proceedings over the underlying claims. On November 29, 2022, the Court ordered Petitioner to notify the Court as to her intent to prosecute the instant habeas action.

At this time, Petitioner's claims have been exhausted in state court, and Petitioner therefore respectfully requests the matter be returned to the Court's active docket. If this Court grants the instant motion, Petitioner will seek leave to file an amended habeas petition that accurately sets forth her exhaustion of state court remedies.

Respectfully submitted,

/s/ Brian C. Howe  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing pleading was filed electronically via the Court's CM/ECF system on December 2, 2022, and a copy is available to opposing counsel via the Court's electronic notification system.

/s/ Brian C. Howe  
Brian C. Howe